IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

CPC Patent Technologies Pty. Ltd. and :

Charter Pacific Corporation Ltd.,

Civil Action No. 6:22-CV-01170-ADA

Plaintiffs,

:

v.

:

HID Global Corporation.

February 14, 2024

Defendant.

JOINT STATUS REPORT REGARDING DKT. 31 ORDER STAYING CASE

Pursuant to the Court's Order Granting Joint Motion to Stay Pending Inter Partes Review (Feb. 22, 2023 Text Order Granting Dkt. 31), Plaintiffs CPC Patent Technologies Pty. Ltd. and Charter Pacific Corporation Ltd. ("CPC") and Defendant HID Global Corporation ("HID") submit this joint status report.

The Court ordered the Parties "to file a joint status report concerning their respective positions on whether the stay should be lifted immediately or extended pending completion of any appeal within 14 days of the last entered Final Written Decision." (Feb. 22, 2023 Text Order). The Patent Trial and Appeal Board has issued Final Written Decisions in each of the pending *inter partes* review proceedings as summarized below.

ASSA ABLOY AB, ASSA ABLOY Inc., ASSA ABLOY Residential Group, Inc., August Home, Inc., HID Global Corporation, and ASSA ABLOY Global Solutions, Inc. (collectively, "ASSA ABLOY") and Apple, Inc. separately filed petitions for IPR of all patents at issue: U.S. Patent Nos. 9,269,208 ("the '208 Patent"), 9,665,705 ("the '705 Patent"), and 8,620,039 ("the '039 Patent").

With respect to the '208 Patent, in the ASSA ABLOY IPRs the PTAB found that none of the challenged claims (which included all claims of the '208 Patent) are unpatentable based on the prior art submitted by ASSA ABLOY. ASSA ABLOY is seeking review (and if necessary, appeal) of the decisions on its '208 Patent IPRs. In the Apple IPR, the PTAB found that the challenged claims – *i.e.*, claims 1, 3-7, 9-11, 13 - are unpatentable based on the prior art submitted in the Apple IPR. (Dkt. 33-1). CPC has filed a notice of appeal in the Apple IPR.

With respect to the '705 Patent, in the ASSA ABLOY IPR the PTAB found that none of the challenged claims (which included all claims of the '705 Patent) are unpatentable based on the prior art submitted by ASSA ABLOY. ASSA ABLOY is seeking review (and if necessary, appeal) of the decision on its '705 Patent IPR. In the Apple IPR, the PTAB found that the challenged claims – *i.e.*, claims 1, 4, 6, 10-12, 14-17 - are unpatentable based on the prior art submitted in the Apple IPR. (Dkt. 33-2). CPC has filed a notice of appeal in the Apple IPR.

With respect to the '039 Patent, the PTAB has determined that all claims are unpatentable based on the IPRs filed by ASSA ABLOY and the IPR filed by Apple. The final written decisions in ASSA ABLOY's IPRs on the '039 Patent issued on January 30, 2024 and are attached as Exhibits A and B. The final written decision in the Apple IPR is attached as Exhibit C. CPC has filed a notice of appeal in the Apple IPR and anticipates filing a notice of appeal in the ASSA ABLOY IPRs.

¹ The Final Written Decision for the ASSA ABLOY '705 Patent IPR was submitted to the Court on December 3, 2023 (Dkt. 34), and the Final Written Decision with respect to the ASSA ABLOY '208 IPR was submitted on January 4, 2024 (Dkt. 35).

The outcomes of each IPR and the status of any appeals are summarized in the table below:

Asserted Patent	IPR Case No	Challenged Claims	Outcome	Status
US 9,269,208	IPR2022-00601 (Apple)	1, 3-7, 9-11, 13	All Challenged Claims Unpatentable	Notice of Appeal Filed
	IPR2022-01045 (ASSA ABLOY)	1-9	No Challenged Claim Found Unpatentable	Pending Review and Appeal
	IPR2022-01089 (ASSA ABLOY)	10-13	No Challenged Claim Found Unpatentable	Pending Review and Appeal
US 9,665,705	IPR2022-00602 (Apple)	1, 4, 6, 10-12, 14-17	All Challenged Claims Unpatentable	Notice of Appeal Filed
	IPR2022-01006 (ASSA ABLOY)	1-17	No Challenged Claim Found Unpatentable	Pending Review and Appeal
US 8,620,039	IPR2022-00600 (Apple)	1, 2, 19 and 20	All Challenged Claims Unpatentable	Notice of Appeal Filed
	IPR2022-01093 (ASSA ABLOY)	1, 2, 13, 14, 19, 20	All Challenged Claims Unpatentable	Anticipated Appeal
	IPR2022-01094 (ASSA ABLOY)	3-12, 15-18	All Challenged Claims Unpatentable	Anticipated Appeal

The parties respectfully submit that this case should remain stayed in its entirety pending the issuance of any Federal Circuit Court of Appeals decisions, or the expiration of any right of appeal to the Federal Circuit, with respect to each of the above-referenced ASSA ABLOY and Apple IPRs. The Parties further request that the Court enter an Order directing the Parties to submit a Status Report within fourteen (14) days of issuance of the Federal Circuit decision resolving the last of the ASSA ABLOY and Apple IPRs and/or within fourteen (14) days of the expiration of all rights to appeal, whichever is later, and that the Status Report include a description

of the outcome of the appeals along with the Parties' respective positions as to next steps in the litigation.

Date: February 14, 2024

<u>/s/ Steven M. Coy</u>le

Steven M. Coyle (ct21039) Andrew C. Ryan (ct21565) Nicholas A. Geiger (ct28060) CANTOR COLBURN LLP 20 Church Street, 22nd Floor

Hartford, CT 06103 Tel: (860) 286-2929 Fax: (860) 286-0115 scoyle@cantorcolburn.com aryan@cantorcolburn.com ngeiger@cantorcolburn.com

mark@swclaw.com

Mark D. Siegmund Texas Bar No. 24117055 STECKLER WAYNE COCHRAN CHERRY, PLLC 8416 Old McGregor Rd. Waco, Texas 76712 Tel: (254) 651-3690 Fax: (254) 651-3689

Attorneys for Plaintiffs CPC Patent Technologies Pty. Ltd., and Charter Pacific Corporation Ltd. Respectfully submitted,

/s/ Andrew V. Devkar

Natalie A. Bennett (Admitted pro hac vice)

natalie.bennett@morganlewis.com MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW

Washington, D.C. 20004 Telephone: (202) 739-3000

Facsimile: (202) 739-3001

Andrew V. Devkar (Admitted pro hac vice)

andrew.devkar@morganlewis.com

California Bar No. 228809

MORGAN, LEWIS & BOCKIUS LLP

2049 Century Park East, Suite 700

Los Angeles, CA 90067 Telephone: (310) 907-1000 Facsimile: (310) 907-1001

Elizabeth M. Chiaviello

elizabeth.chiaviello@morganlewis.com

Texas Bar No. 24088913

MORGAN, LEWIS & BOCKIUS LLP

1717 Main Street, Suite 3200

Dallas, TX 75214

Telephone: (214) 466-4000 Facsimile: (214) 466-4001

Attorneys for HID Global Corporation

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on February 14, 2024, a true and correct copy of the foregoing document was filed via the Court's CM/ECF system, which will serve all counsel of record who have appeared in this case per Local Rule 5(c).

/s/ Steven M. Coyle
Steven M. Coyle